

Bainbridge Island Ethics Board

RE: Advisory Opinion AO2009-03

SUBJECT: Confidentiality concerns and Conflicts of interest regarding family members

DATE of ISSUE: December 14, 2009

Thank you for your inquiry to the Ethics Board.

You have requested an advisory opinion regarding: 1) potential conflicts of interest when two members of a family serve together on the City Council; 2) potential conflicts of interest when a member of a Council member's family appears before the Council or sues the City; and 3) confidentiality issues arising from Council members' relationships with parties interested in a matter in dispute.

1) We perceive no inherent conflict of interest when two members of a family are elected to the Council or serve together on a Council committee.

2) If a member of a Council member's immediate family appears before the Council in an advocacy role, except as provided in Section D. 2, the Council member is precluded by the Code of Ethics Section D(1) from taking any "direct official action" on the matter. Even when the Council member is not precluded from direct action, the Board recommends that the Council member disclose the relationship. Moreover, while the Code is not specific, the Council member should disclose the reason for recusing him or her self from the discussion and decision. Likewise, it would be inappropriate for the Council member to participate in any Executive Session to discuss or take action upon a matter in which the Council member's relative is either counsel or party to a matter.

3) Code of Ethics Section C precludes elected officials and former elected officials from disclosing any confidential information acquired as a result of their positions, except as required by law. This rule applies whether or not there is a familial relationship involved. Any such disclosure would therefore violate the Code of Ethics.

We note that the Ethics Board is currently in the process of revising the Code of Ethics to better address many of the questions raised in your request, particularly those of disclosure and transparency.